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7 Attorneys for Complainant

8 **BEFORE THE BOARD OF OCCUPATIONAL THERAPY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. OT 2005-42

11 LAURA ANN CERRONE  
280 East Del Mar #218  
12 Pasadena, CA 91101  
Occupational Therapy License No. OT 4947

**A C C U S A T I O N**

13 Respondent.  
14

15 Complainant alleges:

16 PARTIES

17 1. Heather Martin (Complainant) brings this Accusation solely in her official  
18 capacity as the Executive Officer of the Board of Occupational Therapy ("Board").

19 2. On or about December 23, 2002, the Board issued Occupational Therapy  
20 License Number OT 4947 to Laura Ann Cerrone (Respondent). The Occupational Therapy  
21 License was in full force and effect at all times relevant to the charges brought herein and will  
22 expire on May 31, 2009, unless renewed.

23 JURISDICTION

24 3. This Accusation is brought before the Board, under the authority of the  
25 following laws. All section references are to the Business and Professions Code unless otherwise  
26 indicated.

27 4. Section 2570.27 of the Code states:

28 "(a) The board may discipline a licensee by any or a combination of the following

1 methods:

2 "(1) Placing the license on probation with terms and conditions.

3 "(2) Suspending the license and the right to practice occupational therapy for a  
4 period not to exceed one year.

5 "(3) Revoking the license.

6 "(4) Suspending or staying the disciplinary order, or portions of it, with or without  
7 conditions.

8 "(5) Taking other action as the board, in its discretion, deems proper.

9 "(b) The board may issue an initial license on probation, with specific terms and  
10 conditions, to any applicant who has violated any provision of this chapter or the regulations  
11 adopted pursuant to it, but who has met all other requirements for licensure."

12 5. Section 2570.29 of the code states:

13 "In addition to other acts constituting unprofessional conduct within the meaning  
14 of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of  
15 the following:

16 "(b) Use to an extent or in a manner dangerous or injurious to himself or herself,  
17 to any other person, or to the public, or that impairs his or her ability to conduct with safety to the  
18 public the practice authorized by his or her license, of any of the following:

19 "(1) A controlled substance as defined in Division 10 (commencing with Section  
20 11000) of the Health and Safety Code.

21 "(2) A dangerous drug or dangerous device as defined in Section 4022.

22 "(3) Alcoholic beverages.

23 6. Section 2570.30 of the Code states:

24 "The board shall retain jurisdiction to proceed with any investigation, action or  
25 disciplinary proceeding against a license, or to render a decision suspending or revoking a  
26 license, regardless of the expiration, lapse, or suspension of the license by operation of law, by  
27 order or decision of the board or a court of law, or by the voluntary surrender of a license by the  
28 licensee."

7. Section 118, subdivision (b), of the Code provides that the expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

(Practicing while impaired by dangerous drugs/alcohol)

9            Respondent's license is subject to disciplinary action under code section 2570.29 in that she engaged in the practice for which she is licensed while impaired, as a result of being under the influence of one or more dangerous drugs (as defined in code section 4022) and/or alcohol. The circumstances are as follows:

10. On or about October 15, 2005, Respondent administered therapy to patients at Salinas Valley Memorial Hospital in furtherance of her ordinary and customary duties as a licensed Occupational Therapist while under the influence of one or more dangerous drugs (as defined in code section 4022) and/or alcohol to the extent that her ability to conduct with safety to the public the practice authorized by her license was impaired. On such date, a patient informed another Occupational Therapist at the hospital that she had smelled alcohol on Respondent's breath during her therapy session with her that day. The fellow therapist immediately advised the acting and lead therapist in the hospital's Rehabilitation Department, Michael Ousbye of this, who responded by closely scrutinizing Respondent's physical appearance and demeanor. Ousbye then observed that Respondent's eyes appeared glazed and that her (Respondent's) physical movements were awkward and unsteady. Ousbye then informed Jeremy Hadland, R.N., the acting facility supervisor that day, of the above-patient's complaint and his (Ousbye's) subsequent observations in regard to Respondent, and advised of his concerns that Respondent might be intoxicated while on duty. Hadland then conducted a face to face interview of Respondent, during

1 which time he formed the conclusion that Respondent was clearly impaired, as evidenced by  
2 Respondent's unsteady gait, fidgety movements and strong odor of alcohol on her breath. During  
3 this interview, Respondent admitted to Hadland that she had consumed some wine as recently as  
4 6:00 a.m. that same morning prior to the beginning of her shift at 8:00 a.m. Immediately  
5 thereafter, Respondent voluntarily submitted to blood and urine tests, which proved positive for  
6 the presence of benzodiazepines (a class IV dangerous drug) and alcohol in her system.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct)

9 11. Complainant hereby incorporates paragraph 10 above as though fully set  
10 forth herein.

11 12. Respondent's license is subject to disciplinary action under section  
12 2570.29, as Respondent's acts as set forth above constitute general unprofessional conduct.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
15 alleged, and that following the hearing, the Board of Occupational Therapy issue a decision:

- 16 1. Revoking or suspending Occupational Therapy License Number OT 4947,  
17 issued to Laura Ann Cerrone;
- 18 2. Ordering Laura Ann Cerrone to pay the Board of Occupational Therapy the  
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
20 Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: December 29, 2008

24 

25 HEATHER MARTIN  
26 Executive Officer  
27 Board of Occupational Therapy  
28 State of California  
Complainant